

Livonia Joint Zoning Board of Appeals
April 18, 2016

Present: Chair P. Nilsson, R. Bergin, G. Cole, M. Sharman, B. Weber, Code Enforcement Officer-A. Backus, Recording Secretary-A. Houk

Excused: James Campbell, Attorney

AGENDA: **(1) Accept and approve the meeting minutes of April 4, 2016**

(2) Michael Abrey – 4521 Main St. Hemlock, NY.

 Requesting an area variance for a proposed Deck which will violate side setbacks and non-conforming building.

(3) James & Linda Vineski – 6040 Ely Ave. Livonia, NY.

 Requesting area variance for a proposed Deck which will violate front and side setbacks and lot coverage not to exceed 25% as well as non-conforming building.

4) Alan Roome – 3195 Rochester Rd. Lakeville, NY.

 Requesting area variance for Gabled Entryway which will violate setbacks from Rt. 15 (60') and non-conforming building.

5) Sam Rode/Pat & Kathy Thompson – 3550 Camp Run Dr. Lakeville, NY.

 Requesting area variance for Deck which will violate side setbacks and non-conforming building.

Chair P. Nilsson brought the meeting to order at 7:03 p.m...

(2) Michael Abrey – 4521 Main St. Hemlock, NY.

Code Enforcement Officer A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday April 18, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Michael Abrey for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

An area variance is requested for the construction of a proposed Deck attached to an existing residence which will violate the requirements according to Section 150-34 E (2) which states the minimum required side setbacks and Section 150-70 A (2) which states that no nonconforming building shall be enlarged, extended or increased.

This property is located at 4521 Main Street, Hemlock, New York and is zoned Mixed Use Hamlet District. (MUHD)

Livonia Joint Zoning Board of Appeals
April 18, 2016

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review.

All interested parties will be heard at this time

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All interested parties will be heard at this time.

A. Backus asked for a poll of the Board for site visit:

R. Bergin: Yes
M. Sharman: Yes
P. Nilsson: Yes
G. Cole: Yes
B. Weber: No

Chair P. Nilsson asked the person representing *Michael Abrey – 4521 Main St. Hemlock* to come forward and address the Board and explain what they are purposing to do. Michael Abrey and his Contractor Daniel Davis came forward. D. Davis explained that they would like to put a Deck on the back of the house coming out 14'. On the side of the house it is only 4'9" from the property line. In order for this to work with the existing home they are requesting the variance for the side. Chair Nilsson asked if the proposed Deck would run the length of the back of the house. D. Davis confirmed yes it will run the full length of the back of the house. A. Backus asked D. Davis for clarification of which proposal he was requesting approval for. Proposal "B" which is on an angle keeping 4'9" from the property line. M. Sharman asked Mr. Abrey if the stockade fence that is located on his neighbor's property his fence. M. Abrey stated yes the fence was his and that he was not aware that until recently that it was actually located on the neighbor's property. G. Cole stated that she appreciated that he provided two proposals for their review. She would prefer Proposal B so there would be more space on the property line. B. Weber agreed. M. Sharman asked if he had plans for the stockade fence. M. Abrey stated that the fence was going to be coming down. Currently the fence was being used for privacy but now the deck will accomplish that. M. Sharman stated if the fence was to be put back up he wanted to make sure M. Abrey would be placing the fence on his property.

Chair P. Nilsson asked the Board if there was any further questions, being none the Chair opened the meeting up for questions from the public. Chair Nilsson asked that they state your name, address and state your questions and/or concerns. Not hearing any response.

Chair P. Nilsson closed the public hearing part of the meeting.

Chair P. Nilsson asked the Board to go through the area variance criteria:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? No
2. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance? No

Livonia Joint Zoning Board of Appeals
April 18, 2016

3. Is the variance substantial? No
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

Chair P. Nilsson asked if there is any further discussion by the Board.

Chair P. Nilsson asked the Board for a motion. M/2/C (G. Cole/M. Sharman) to approve the request for a Deck using "Proposal B"

3) James & Linda Vineski – 6040 Ely Ave. Livonia, NY.

Code Enforcement Officer A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday April 18, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of James and Linda Vineski for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

1. An area variance is requested for the construction of a 24' x 10' deck to the front of the existing house. This proposed construction will violate the front and side setback requirements according to Sections 150-31G (1) & (2) which states the minimum setback requirements and also violates Section 150-31F, which states that the maximum lot coverage, including buildings and structures, shall not exceed 25% of the area of the parcel.
2. Also violates Section 150-70A (2) which states that no nonconforming building shall be enlarged, extended or increased without the review and approval of the Joint Zoning Board of Appeals.

This property is located at 6040 Ely Ave, Livonia, New York and is zoned Neighborhood Residential (NR).

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review.

All interested parties will be heard at this time.

CEO A. Backus asked for a poll of the Board for site visit:

R. Bergin: Yes
M. Sharman: Yes
P. Nilsson: Yes
G. Cole: Yes
B. Weber: Yes

Livonia Joint Zoning Board of Appeals
April 18, 2016

Chair P. Nilsson asked the person representing **James & Linda Vineski – 6040 Ely Ave. Livonia, NY** to come forward and address the Board and explain what they are purposing to do. James & Linda Vineski came forward to explain that they are requesting a variance to build a Deck. Because the lot width is only 40' and the house is 24' wide and they are asking to put a deck on the full width of the house. In addition they are asking for a variance for the setback as it is only 6-1/2' from the road right away verses the actual 32' that is there from the edge of the street. This is why they have provided two different maps. They are asking for approval for a deck so they can enjoy the lakefront views on the deck instead of on their driveway. R. Bergin asked the Vineski's if it ever would be there intentions to enclose the deck? No, its purpose is to be a wide open deck. J. Vineski stated that there are drainage issues in that area and he did not want to cover up anymore ground with covering the deck. Chair Nilsson asked what materials the deck was going to be built of. J. Vineski stated pressure treated lumber. G. Cole asked if the neighbors next door were aware of their proposal. Yes, the neighbor at 6044 Ely Avenue Randy Wheaton called Building & Zoning on April 18th to give his approval the Vineski's Deck proposal.

Chair P. Nilsson asked the Board if there was any further questions, being none the Chair opened the meeting up for questions from the public. Chair Nilsson asked that they state your name, address and state your questions and/or concerns. Not hearing any response.

Chair P. Nilsson closed the public hearing part of the meeting.

Chair P. Nilsson asked the Board to go through the area variance criteria:

1. Will an undesirable change be produced in the character of the neighborhood or will a deterrent to nearby properties be created by granting the variance? No
2. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance? No
3. Is the variance substantial? Yes
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

Chair P. Nilsson asked the Board for a motion. M/2/C (M. Sharman/R. Bergin) to approve proposal for an open deck (not enclosed) using boards with spaces for drainage purposes. Motion carried: 5-0.

4) Alan Roome – 3195 Rochester Road, Lakeville, NY.

Code Enforcement Officer A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday April 18, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Alan Roome for an area variance pursuant to section 150-17C of the Zoning Code of Livonia.

Livonia Joint Zoning Board of Appeals
April 18, 2016

An area variance is requested for the construction of a Gabled Entryway. This proposed construction will violate the requirements according to Section 150-40 F (2) which states the minimum required setbacks from New York State Route 15 shall be 60 feet (front, rear and side). And Section 150-70 A (2) which states that no nonconforming building shall be enlarged, extended or increased.

This property is located at 3195 Rochester Road, Lakeville New York in the Commercial/Limited Industrial District (C-L/I).

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review.

All interested parties will be heard at this time.

CEO A. Backus asked for a poll of the Board for site visit:

R. Bergin: Yes
M. Sharman: Yes
P. Nilsson: Yes
G. Cole: Yes
B. Weber: Yes

Chair P. Nilsson asked the person representing ***Alan Roome – 3195 Rochester Road Lakeville, NY.*** to come forward and address the Board and explain what he is purposing to do. Alan Roome came forward to explain that he would like to build a Gabled Entryway on the front of his landscape business. He feels this would improve the appearance and offer a place for customers coming in to get out of the weather. He plans to make the area around the entryway look nicely landscaped. M. Sharman stated that he felt this will be an improvement to the business and area. Chair P. Nilsson asked for clarification and A. Roome stated that the roof may extend out slightly past the posts. G. Cole stated that the design is very nice. The Board commented that A. Roome has done a nice job of cleaning up the area and making a big difference in the property's appearance.

Chair P. Nilsson asked the Board if there was any further questions, being none the Chair opened the meeting up for questions from the public. Chair Nilsson asked that they state your name, address and state your questions and/or concerns. Not hearing any response.

Chair P. Nilsson closed the public hearing part of the meeting.

Chair P. Nilsson asked the Board to go through the area variance criteria:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? No
2. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance?
No

Livonia Joint Zoning Board of Appeals
April 18, 2016

3. Is the variance substantial? No
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

B. Weber asked for clarification on the distance from the structure to the telephone poll. The Entryway will come off the building between 9 and 10'. Where the Entryway will be sets back a little further due to the angle of the property line. A. Roome stated it is approximately 52' 6" rough line to telephone poles. B. Weber commented that it will be 52' verse the 64' that is there now.

Chair P. Nilsson asked the Board for a motion. M/2/C (B. Weber/R. Bergin) to approve proposal for a Gabled Entryway. Motion carried: 5-0

4) Sam Rode – 3550 Camp Run Livonia, NY.

Code Enforcement Officer A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday April 18, 2016 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Sam Rode for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia.

An area variance is requested for a proposed Deck which will violate the North side setback requirements according to Section 150-31G (2) Also an area variance is requested for the expansion of a non-conforming use and building which violates Section 150-70A (2) which states that no nonconforming building shall be enlarged, extended or increased

This property is located at 3550 Camp Run Drive Livonia, New York and is zoned Neighborhood Residential District (NR)

The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review.

All interested parties will be heard at this time.

CEO A. Backus asked for a poll of the Board for site visit:

R. Bergin: Yes
M. Sharman: Yes
P. Nilsson: Yes
G. Cole: Yes
B. Weber ... Yes

Livonia Joint Zoning Board of Appeals
April 18, 2016

Chair P. Nilsson asked the person representing **Pat & Kathy Thompson/Sam Rode – 3550 Camp Run Lakeville, NY.** to come forward and address the Board and explain what they are purposing to do. Sam Rode, the contractor was representing the Thompson's who were out of town. S. Rode stated that they were requesting to build a deck to replace the existing patio. They are requesting the deck to be a grade flush with the floor level of the home. This is for easier access to the lakefront and for their parents who use walkers & wheelchairs. R. Bergin asked if the neighbors to the north are aware of the proposal and that the deck will be closer to their property. S. Rode stated that the neighbor was present at this meeting. Jeff Corcoran of 3546 Camp Run. Mr. Corcoran stated that he fully approved of the Thompson's deck proposal. S. Rode also stated he had a letter from the neighbor to the south and he was in approval with this proposal as well.

Chair P. Nilsson asked the Board if there was any further questions, being none the Chair opened the meeting up for questions from the public. Chair Nilsson asked that they state your name, address and state your questions and/or concerns.

Mr. Corcoran stated his name & address, 3546 Camp Run and he was in agreement with the deck proposal and stated that it has the same foot print as the patio that they currently have now.

Chair P. Nilsson closed the public hearing part of the meeting.

Chair P. Nilsson asked the Board to go through the area variance criteria:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? No
2. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance? No
3. Is the variance substantial? No
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

Chair P. Nilsson asked the Board for a motion. M/2/C (G. Cole/B. Weber) to approve proposal as submitted for a Deck. Motion carried: 5-0

Chair P. Nilsson asked if there is any further discussion by the Board.

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:36 pm. M/2/C (M. Sharman/B. Weber)

***Livonia Joint Zoning Board of Appeals
April 18, 2016***

Motion carried: 5 to 0

Respectfully submitted,

Alison Houk
Recording Secretary